IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 29th **day of** June 2002

Criminal Misc. Bail Application No. 320 of 2002

Order on the Bail Application of the accused – Manohar Singh S/o Sri Gopal Singh, R/o Nautash Patti Dungari, Up-Tehsil Berinag, district Pithoragarh.

CRIMINAL SIDE

Manohar Singh S/o Sri Gopal Singh, R/o Nautash Patti Dungari, Up-Tehsil Berinag, district Pithoragarh.……Accused

Versus

State of Uttaranchal.

…….. Opposite Party.

Arising out of Case Crime No –of S.T.No.3 of 2002
Under Sections 302 I.P.C.
Police Station-Patti-Dungari, district Pithoragarh.

By the Court

Hon'ble Irshad Hussain, J.

Heard the learned counsel for the applicant and the learned A.G.A.

This is a dowry death case. The dying declaration of the deceased Smt. Neema Devi was initially recoded on 28.7.1998 by the Sub-Inspector of police and later on, on the same day her dying declaration was recorded by the Sub Divisional Magistrate in the hospital, which is in the form of question and answer. Considering this, prima facie the second dying declaration appears more reliable as compared to the dying declaration recorded by the Sub-Inspector. Attention was drawn to the fact that the husband also sustained burn injuries in attempt to save his wife and that indicates that there was no foul play in the occurrence. May the husband have received some injuries but in the totality of the circumstances of the case and the dying declaration of the victim I do not find it a fit case for bail. Rejected.

It is informed that the trial of the case is in progress. The learned Sessions Judge is directed to expedite the trial and conclude the same preferably within a period of two months from the date of production of certified copy of this order.

(Irshad Hussain, J.)

29.6.2002
M.P.S.